

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
HELENA DIVISION

RICK DENNIS STROBEL

Plaintiff,

vs,

SHERIFF LEO DUTTON, CAPTAIN
BRAGG, OFFICER BAIL and
LEWIS AND CLARK COUNTY

Case No. CV-23-005-H-BMM-KLD

Preliminary Pretrial STATEMENTS

Preliminary Pretrial Statements

In Compliance With

Fed. R. Civ. P. 26(a)(1)(A)(I), (ii), and (iii)

and L.R. 16.2(b)(1)

Filed on or Before:

September 22, 2023

Att. "A", Page 1 of 2

In 2008 the above named Plaintiff was severely injured in an accident. The accident left the Plaintiff with a severe traumatic brain injury. (T.B.I.) This T.B.I eventually resulted in a permanent life altering change. Said T.B.I. resulted in a change of behaviour due to a deterioration of mental health which eventually resulted in legal issues. Eventually the Plaintiff was placed on SDI for said T.B.I.

This ongoing struggle with the Plaintiff's mental health issues eventually lead to the Plaintiff being placed in the custody of Sheriff Leo Dutton, and the direct immediate policies approved by Mr. Dutton and enforced by Captain Bragg.

One said policy being that an inmate who attacks another inmate will be made to change said attackers housing. As a means to protect the safety and security of the facility the inmate attacked and the inmates, under the direct supervision of Captain Bragg and under the direct policies, and procedures created and approved by Leo Dutton. This policy is to ensure the constitutional right to be free of cruel and unusual punishment being inflicted upon an inmate repeatedly, via repeated assault by said aggressors.

The correctional facility as well maintains a policy created by Sheriff Leo Dutton and enforced by Captain Bragg that creates a delay in an inmates housing upon intake into the Defendant(s) custody. This delay in a housing is a lesser evil then placing an aggressive inmate prone to assaulting behaviour with an inmate who could be victimized due to such disabilities. Such disabilities as severe mental health disabilities created by severe past injuries i.e. ... a traumatic Brain Injury

This policy is a necessary policy. But sometimes an aggressive inmate comes into contact with inmates more prone to being victimized due to said victims disability. When this occurs the above-discussed policy to separate said inmates is meant to catch and correct this error in clarification and protect the inmate population.

Att. "A", Page 2 of 2

On January 5th 2023 @ 11am a breakdown in the Defendant(s) classification policy occurred. This breakdown resulted in the Plaintiff being attacked by an incorrectly housed inmate. This alone and by itself would most likely not have resulted in anything more than a sore eye. Since the Defendant(s) re-Classification policy would have corrected the incorrect housing assignment. As well common sense would dictate that "fighting inmates" should be separated. As to allow things to "cool down."

Yet this did not happen. Contrary to the Defendant(s) own policies and basic common sense, despite the basic common knowledge to separate people fighting the above named Defendant(s) approved the attacking inmate to be placed back into the same housing he was removed from after attacking the disabled Plaintiff. Of course this eventually resulted in a second attack upon the Plaintiff.

This second attack was the result of the Defendant(s) deliberate indifference to the Plaintiff's need to be protected from predatory inmates due to the Plaintiff's disability as well as ignoring the Defendant(s) own policies. The Defendant(s) ignore common sense, and therefore clearly demonstrated a deliberate indifference to the danger to life, liberty, and property to the Plaintiff. Not only did the Defendant(s) deliberately ignore their own policies, basic common sense and constitutional rights of the Plaintiff. But the Defendant(s) also completely ignore the Plaintiff's right to proper accommodations provided by A.D.A. for his personal safety from attack. After an issue had clearly come to the attention of the Defendant(s). The Defendant(s) clearly ignored all of the above human rights resulting in this Plaintiff's need to take civil action against the Defendant(s).

Ath "1"

ON January 5th 2023, At 11:00 AM
I RICK DENNIS STROBEL was housed In C-pod
at The Lewis + Clark County Detention Center.
There was an Altercation between two other
Inmates which resulted in a physical fight.
Jail staff took both fighting Inmates out of C-pod.
Jail staff Irrisponsibly placed the Aggressor
back Into the C-pod while He (Chris Lewis) was
Noticibly still Agitated and Upset.
While He (Chris Lewis) was back in the C-pod.
I was engaged In conversation with another Inmate.
I was smiling, The aggressor (Chris Lewis) took me
for smiling at him and Immediately Attacked me.
After The Attack I was brought down to central
booking to talk with a Court Officer and have
photo's taken of my injury's.
It was 6 hours Later that I was seen by medical.
At which time They told The Jail Staff I could
be taken to the hospital.
I suffer from a Traumatic Brain Injury From a
previous accident In 2008, which I collect SSDI
from.
The Jail staff failed to do its Dilligent Duty
of Protecting myself while Incarcerated.
A violation of power & Duties to protect Inmates
from physical abuse by all.

(1)

Atk. A

- (A) 1) On January 5th 2023, At 11:00Am I RICK D. STROBEL was housed in P.O.D. IC at the Lewis + Clark County Detention Center.
- 2) There was an Altercation Between two other Inmates which resulted in a Physical Fight.
- 3) Jail staff took both Inmates out of P.O.D. IC.
- 4) Jail staff Irresponsibly Placed the Aggressor back Into the P.O.D. IC While he was Noticeably still agitated and upset.
- 5) While (Chris Lewis) was being placed back Into P.O.D. IC I was engaged in conversation with another Inmate.
- 6) I was smiling while in conversation with other Inmate.
- 7) Aggressor (Chris Lewis) took me for smiling at him and Immediately Attacked me.
- 8) After The Attack I was brought down to Central booking to talk with Courts Officer and have ~~the~~ Photos taken of my Injuries.
- 9) Later I was seen by Medical at which time they told The Jail Staff I should be taken to St Peters Hospital.

(A)

Ath "I"

Fourteenth Amendment Claim

- 1) Jail Staff Irresponsibly placed The aggressor back into the P.O.D IC Breaking policies approved by Leo Dutton and enforced by Captain Bragg.
- 2) Placing aggressor back into P.O.D IC caused a Immediate attack on Plaintiff creating injury Then taking to St Petess Hospital aproved by Jail Nurse.
- 3) Staff broke policies approved by Leo Dutton and Enforced by Captain Bragg
- 4) Causing injury's to Plaintiff
 - 1) Staff from Lewis & Clark Detention Center
 - 2) Deprived life, liberty & Property
 - 3) Right to be free from cruel and unusal punishment
- a) I suffer from Traumatic Brain Injury from previouise accident In 2008 which I collect SSDI
- b) The Jail staff failed to do its diligent Duty of Protecting myself while Incarcerated.
- c) This has caused me to be Re-Injured.
- 5) actions took place at the Lewis & Clark Detention Center January 5th 2023 @ 11:00 AM
- 6) Mental anguish, and physical pain Constitutional Rights where Broken.

Ath. " " "

- (ii) Lewis + Clark County Detention Center
221 Breckenridge, Helena MT 59601
Telephone Number, N/A

"All Documents"

- i) Lewis + Clark County Detention Center (all stored information)
- 2) Video from POD. IC
- 3) Video from Central Booking
- 4) Photographic Evidence from Staff Members
- 5) Photos of injury taken by Courts Officer
- 6) Records from St Peters Hospital
 - a) Doctor
 - b) Nursing X-Ray, MRI

(ii)

Ath

iii

(iii)

"Category of Damages"

Policy created by Sheriff Leo Dutton and enforced by Captain Bragg failed when Officers Ball ignored own policies, placing aggressor from first attack on other inmate back into POD 1C at the Lewis and Clark Detention Center.

"The above-named Defendant(s) Violated the Plaintiff(s)"

- 1) Constitutional Right to Life, Liberty and Property
 - a) The Defendant(s) ignored own policies, and therefore demonstrated a deliberate indifference to the danger to Life, Liberty and Property
- 2) Constitutional Right to be free from cruel and unusual punishment, Acting Under Color of State Law
- 3) Right to proper accommodations Provided by ADA
 - a) Not taking consideration of severe Mental Health Disabilities

(iii)

A+H

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF MONTANA

HELENA DIVISION

RICK DENNIS STROBEL

Plaintiff,

CV-23-05-H-SEH

SHERIFF LEO DUTTON, CAPTAIN
BRAGG, OFFICER BAIL and
LEWIS AND CLARK COUNTY,
Defendant,

Supporting Evidence

Christensen + Prezeau PLLP

I RICK DENNIS STROBEL am requesting the
following supporting evidence for case number above

- 1) Lewis & Clark Detention Center
- 2) Lewis & Clark Courts
- 3) St Peters Hospital

All this information should be available on
Document at the Lewis & Clark Detention
Center for Court and Insurance Purposes

Date 08-11-2023

page (1 of 3)

(b)

To Law Firm, I'm requesting the following evidence that pertains to this matter from the Lewis & Clark Detention Center.

- 1) Photographic evidence from fight between Chris Lewis and other Inmate On Jan 5th 2023 @ POD 1C
- 2) Photographic evidence when I was Attached by Chris Lewis
- 3) Photographic evidence from Staff (Taking Chris out of POD 1C Then back into POD 1C
- 4) Photographic evidence from Central Booking of Court Officers plus Injury Photos
- 5) Records from St Peter Hospital a) Doctor
b) Nursing Staff MRI, X-Rays
- 6) Grievance filed on Kiosk from Jan 5th to May 17th 2023
- 7) Court Records of Chris Lewis from when Charged for His Attack on Me.
- 8) All records filed on Jan 5th concerning incident for Insurance Purposes
- 9) Copies of Policy and Procedures for the Lewis & Clark County Detention Center made by Leo Dutton followed by Capt Bragg and Jail Staff

Please; A) Have Paper Printouts

- 1) Court documents for Chris Lewis
- 2) Policies and Procedures
- 3) Greivouise from Kiosk Jan 5th to May 17th 2023

B) Photographic Evidence from all that is
Listed on (2 of 3) put on a drive
supported for the Court

C) All documents and reports from St Peters Hospital

- 1) Doctor
- 2) Nursing Staff X-Ray, MRI

Thank you;

Date 08-11-2023

Case Manager Nortary
CM C Hoffus UB MDIU